


MEMORANDUM

Department of Environmental Quality
Technical Services Office

SUBJECT: Guidance Memo No. 98-2001
Implementation of the VPDES General Permit for Discharges
from Petroleum Contaminated Sites

TO: Regional Directors

FROM:  John M. Daniel

DATE: FEB 5 1998

COPIES: Regional Permit Managers, Regional Compliance and
Enforcement Managers, Regional Remediation Program Managers,
Regional Water Permit Managers, Larry Lawson, Robert Mann,
Robert Beasley, Jack Schubert, TSO Permit Support and
Program Development Staff

On December 15, 1997, the State Water Control Board adopted the General VPDES Permit Regulation for Discharges from Petroleum Contaminated Sites (9 VAC 25-120-10 et seq.). This general permit will be effective on February 24, 1998 and has a term of 5 years. A copy of the adopted regulation and the final version of the permit fact sheet are attached for your information. Separate copies of the registration statement and general permit are attached for use by the permit writers. Also, these documents are available on the agency network in the directory K:\AGENCY\OWPS\VPDES\GENPERMS.

This general permit (VAG83) replaces the Corrective Action Plan general permit (VAG000002) that has been used for the past 5 years to authorize discharges at underground storage tank remediation sites. The CAP general permit expires on February 24, 1998. After that date, no activities should be permitted under the expired general permit. Owners covered under the expiring general permit, who wish to continue to discharge under a general permit, must register for coverage under the new general permit. Current permittees who filed for coverage under the new general permit prior to February 24, 1998 may be administratively continued under the old permit until their registration statement can be processed. Administrative continuation should be for the shortest time possible. Since the registration statement is part of the regulation, in order to be covered under VAG83, the owner must submit the information listed in the new general permit registration statement.

Since this proposed general permit is designed to cover activities in addition to the cleanup of leaking underground storage

tanks, an approved Corrective Action Plan will no longer be a prerequisite for general permit coverage. VAG000002, which this general permit will replace, contained Corrective Action Plan requirements for non-discharging activities associated with cleanups at leaking underground storage tanks. These conditions have been deleted in order to focus this VPDES general permit on the discharging aspects of petroleum cleanups. The non-discharging activities will be controlled by other mechanisms authorized by the Board's regulations on underground and above ground storage tanks.

The scope of the general permit has been expanded beyond the remediation activities associated with underground storage tank cleanups. This new general permit will cover point source discharges of pollutants to surface waters resulting from a variety of petroleum contaminated sites. The following specific activities are covered: excavation dewatering, bailing ground water monitoring wells, ground water pump tests to characterize site conditions, hydrostatic testing of petroleum storage tanks or pipelines, ground water pumping associated with petroleum product recovery, or discharges resulting from another petroleum product cleanup approved by the Department. For the purposes of this general permit, "petroleum products" means petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. Petroleum products does not include hazardous waste as defined by the Virginia Hazardous Waste Regulations, 9 VAC 20-60-10 et seq.

Permit writers should send out the general permit registration statement and its instructions for facilities that might qualify for coverage. An example registration statement transmittal letter is included with this package. The registration statement, just like any application, should be complete before the discharge is covered. The purpose of the general permit is to control discharges of petroleum contaminated water. The limits of the permit are designed to address the pollutants typical of those discharges. Therefore, it is important that only activities associated with petroleum contamination be authorized under this permit. Other activities that require a VPDES permit should be authorized under another permit.

The following information may be helpful in reviewing registration statements to determine if a discharge is eligible for the general permit.

The first 6 questions of the registration statement are used to locate the discharge and determine the person to whom the permit should be issued.

The answer to Question 7 will help determine which of the effluent limitations pages apply to the discharge. If the contamination is only from gasoline products, then depending upon the nature of the receiving stream, either Part I A 1 (for freshwater) or

Part I A 3 (for saltwater) will apply. If the contamination is from non-gasoline products, then either Part I A 2 (for freshwater) or Part I A 4 (for saltwater) will apply. If the contamination is from a combination of gasoline and non-gasoline products, then both Parts I A 1 and I A 2 apply to discharges to freshwater streams and both Parts I A 3 and I A 4 apply to discharges to saltwater streams. The copy of the permit sent to the permittee should contain only the applicable pages of Part I A.

In Question 8 the permittee is supposed to identify all of the potential sources of wastewater at the site. Since each activity will be considered a separate outfall, it is important to identify them individually at the time of permit coverage. Otherwise, the permittee will have to resubmit his registration statement when he moves from one phase to another. For example, if the activity will involve discharges from a ground water well pump test, then a long term pumping of ground water for treatment and discharge, both of these should be checked. Permit writers may want to confirm the list of activities with the applicant before processing the registration statement.

Question 9 will provide a cross-reference to any ongoing UST remediation actions. If a site characterization report has been submitted, the permit writer may wish to review it before processing the registration statement to be sure that the permit coverage will address all of the anticipated discharge activities.

If the waters identified in the answer to Question 10 are listed in the Water Quality Standards as a public water supply, then the discharge cannot be allowed under the general permit. This prohibition is expressly stated in the regulation. There are other waters listed in the Standards Regulation that are protected from discharges. The permit writer should compare the receiving stream to those lists as well. In addition, the answer to Question 10 provides the second part of the answer regarding the appropriate effluent limits to assign to the discharges. If the receiving water body is freshwater, the limits for freshwater apply. Conversely, if the receiving waters are saltwater, the saltwater limits apply.

Questions 11 through 14 provide an overview of the expected volume and duration of the discharge. If possible, information should be provided for each outfall. Permit writers may accept whatever information they believe is representative of the activities being permitted.

The diagram of the treatment system requested by Question 15 can be as simple as a line drawing or it may be detailed engineering plans. In any case, it should give the permit writer enough information to determine if the treatment works have a reasonable likelihood of producing an effluent that can meet the permit limits. If the permit writer decides that the proposed treatment system could not be expected to meet the effluent limits, then coverage under the

general permit should be denied.

The location map required by Question 16 will aid the permit writer in determining the potential for adverse impact on public water supplies or other protected waterbodies.

If the answer to Question 17 indicates that the permittee has the option of discharging to a central sewer system, then they should not be issued coverage under the general permit. The general permit should not be used as a means of encouraging a proliferation of surface water discharges when central sewer can accept, treat and discharge the water at an already established location. Proposed discharges in locations that are not served by or adjacent to central sewer lines may be granted coverage. If the sewer is present but the operator of the sewage system has denied the applicant access to the sewer, then coverage under the general permit may be authorized.

Questions 18 and 19 are used to relate the proposed discharge to ongoing activities already known to DEQ. If the applicant previously held an individual permit for the specific activity to be covered under the general permit, antibacksliding must be considered prior to granting coverage. Backsliding should be evaluated on a case-by-case basis, in accordance with the VPDES Permit Regulation.

The general permit regulation specifically prohibits the treatment or discharge of materials which can be classified as hazardous wastes. If the applicant indicates in Question 20 that hazardous wastes are involved, then coverage under the general permit should be denied and the activities should be referred to the appropriate DEQ waste management personnel.

The bottom of the registration statement has space for the permit writer to initial his/her acceptance or nonacceptance of the registration statement. The information on stream basin, class, section and special standards should be filled out for each discharge in order to assure that discharges are not authorized into prohibited waters.

This general permit is exempt from the requirements of the Permit Fee Regulation (See 9 VAC 25-20-130). Therefore, the registration statement should be processed without requesting the applicant to submit a fee.

A determination has already been made that new or increased discharges covered by the general permit will not result in significant effects to the receiving waters. Therefore, permit writers do not have to conduct a case-by-case antidegradation review for any new or increased discharges.

Once it is determined that the registration statement represents

a facility that qualifies for coverage, the general permit pages can be prepared. The cover page (printed on agency letterhead), appropriate Part I effluent limits pages (the types of discharge are determined from the registration statement as described above), Part I B special conditions and Part II boilerplate should be assembled with the general permit number for the facility entered in the upper right corner. Be sure to make the final Part I page count and add page numbers to the upper right hand corner of the Part I pages. The pages of Part II are already numbered. The outfall numbers must also be added at the end of the first sentence on each effluent limitations page. Each activity proposed for the site should be assigned a separate outfall number so that the Discharge Monitoring Reports can be developed properly. More than one outfall number may be listed on the applicable limitations page. **No other changes to the language of the general permit are authorized.**

Permit numbers will be assigned by the regional offices according to the following scheme. All permit numbers will begin with the same five characters: VAG83. The remaining four spaces are for individual discharge identification. The regions are requested to assign these four remaining numbers sequentially within the following blocks of numbers.

Southwest	- 0001-0999
Valley	- 1000-1999
West Central	- 2000-2999
Tidewater	- 3000-3999
Piedmont	- 4000-4999
Northern	- 6000-6999

This allows each region 1000 numbers, except Southwest which gets 999. If any region should need more, they should contact TSO and an additional block of numbers can be assigned. Please remember the last four digits of the permit number have to be typed in on all of the permit pages (including the cover page) before the permit is mailed to the owner.

The general permit requires monthly monitoring and reporting. Therefore, DMRs are necessary for reporting and compliance tracking. DMRs are printed by CEDS when the permit is entered into the system. All outfalls described in the registration statement should be listed on the effluent limits page and on the DMR, so that there is indication in the permit of what outfalls require sampling. Each outfall is required to have a separate DMR. The DMRs should be prepared to include the applicable limitations and monitoring requirements which reflect the Part I A page(s) assigned to the outfall. If the contamination involves leaded gasoline, then the DMR must include lead and hardness. Otherwise, do not list these parameters on the DMR. Note that if the contamination involves used oils, then monitoring for semi-volatile and volatile organics and heavy metals is required. They should be listed on the DMR, but the monitoring frequency is annual, not monthly. If used oils are not

involved, do not list these parameters on the DMR.

Tracking of coverage under this general permit will be in CEDS. Hard copy files should include a copy of the registration statement, general permit and DMRs sent to the owner, transmittal letter and any inspection reports at a minimum, since these files are subject to auditing. It is important that the CEDS database is kept updated with the list of permittees and contact information, their permit numbers, and which effluent limits pages they have.

Once the DMRs are ready, use the transmittal letter to transmit the permit, the DMRs and a copy of the fact sheet to the permittee and keep a copy of these documents for the regional file. It is not necessary to copy TSO or EPA on individual coverage under a general permit. **Note that the transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under the permit.** The transmittal letter is from the Director. It may be signed by whomever has been delegated the authority to issue coverage under general permits. Transmittal letters must be sent by certified mail.

The transmittal should indicate where DMRs are to be sent. They are due on the tenth of the month following the monitoring. The annual samples for organics and metals at used oil sites are to be collected within 3 days of commencing discharge, so the DMR for them should come in once a year on the tenth of the month after that commencement date. Tracking of compliance with the limits and other requirements of the general permit should be done according to the Compliance Auditing System already established for VPDES permits. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for an individual permit.

The permit allows the permittee to request that coverage be terminated for some or all of the activities identified on the registration statement during the 5 year permit term. This will let the permittee out of the need to file DMRs for outfalls that no longer are active, such as those used for site characterization (See Part I B 7 of the general permit). The termination request for outfall deletion should be processed as a minor modification of the permit. The Regional Office should send a confirmation to the permittee that his request has been granted. A copy of that confirmation should be sent to the Compliance Auditor, so the reporting requirement for that outfall can be deleted from the tracking system. The information in CEDS should also be updated to reflect this change in status. Permittees who wish to add outfalls for activities not identified on the original registration statement should file amended registration statements and be issued new DMRs for the new outfalls. These new outfalls should be recorded in the compliance tracking and CEDS databases.

If there is a request for a change of ownership, then the new owner assumes the coverage under the general permit and the permit

number does not change. The new owner may submit a new registration statement, but it is not necessary. However, the regional office file should have copies of any correspondence requesting and acknowledging the ownership change. Part II of the permit allows for automatic transfer of ownership if the 30 day prior notice and the required written agreement between the new and old owners are provided. The other change of ownership requirements and procedures from the VPDES Permit Regulation and VPDES Permit Manual that are common to all VPDES permits apply here as well. Any change of status should be noted in CEDS.

Facilities covered under the general permit are subject to the inspection strategy in the industrial small category. They should be inspected at least once every five years. The inspectors should check for compliance with the technical aspects of the permit, including but not limited to the presence of an O&M manual and for overflows, by-passes and other indications of a failed system. Also the inspector should review the DMR data to determine whether the facility has been submitting representative data in accordance with the monitoring, analytical and reporting requirements of the general permit.

The permittee must submit a new registration statement within 180 days of the expiration of this general permit if continued coverage is desired. Since this date will be the same for all those covered by the permit, any reminder letters sent out would be a mass mailing of some kind. Further guidance on this will be provided when the permit nears expiration.

DISCLAIMER

This document provides procedural guidance to the permit staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decision in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

Attachments:

1. General Permit Regulation
2. General Permit Fact Sheet
3. General Permit pages
4. Registration Statement and Instructions
5. Example Registration Statement Transmittal Letter
6. Example Transmittal Letter for sending general permit

COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD

9 VAC 25-120-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE
ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES FROM
PETROLEUM CONTAMINATED SITES

[Adopted December 15, 1997 - Effective February 24, 1998]

9 VAC 25-120-10 Definitions

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law and 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"**Petroleum products**" means petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. Petroleum products does not include hazardous waste as defined by the Virginia Hazardous Waste Regulations, 9 VAC 20-60-10 et seq.

9 VAC 25-120-20 Purpose

This general permit regulation governs the discharge of wastewaters from sites contaminated by petroleum products. Petroleum contaminated wastewater may be discharged from the following activities: excavation dewatering, bailing ground water monitoring wells, conducting pump tests to characterize site conditions, hydrostatic tests of petroleum storage tanks or pipelines, pumping contaminated ground water to remove free product from the ground, or discharges resulting from another petroleum product cleanup activity approved by the Department. Discharges not associated with petroleum contaminated water are not covered under this general permit.

**9 VAC 25-120-30 Evaluation of Chapter and Petitions for
Reconsideration or Revision**

A. Within three years after the effective date of this chapter, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter, (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this chapter, (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter or (iii) amend

this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.

9 VAC 25-120-40

Delegation of Authority

The Director, or an authorized representative, may perform any act of the board provided under this regulation, except as limited by Section 62.1-44.14 of the Code of Virginia.

9 VAC 25-120-50

Effective Date of the Permit

This general permit will become effective on February 24, 1998. This general permit will expire five years from the effective date. This general permit is effective as to any covered owner upon compliance with all the provisions of 9 VAC 25-120-60 and the receipt of this general permit.

9 VAC 25-120-60

Authorization to Discharge

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters within the Commonwealth of Virginia provided that the owner files and receives acceptance by the board of the Registration Statement of 9 VAC 25-120-70, complies with the applicable effluent limitations and other requirements of 9 VAC 25-120-80, and provided that:

1. Individual Permit

The owner shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B;

2. Prohibited Discharge Locations

The owner shall not be authorized by this general permit to discharge to state waters designated as public water supplies or specifically named in other board regulations or policies which prohibit such discharges; and

3. Central Wastewater Treatment Facilities

The owner shall not be authorized by this general permit to discharge to surface waters where there are permitted central wastewater treatment facilities reasonably available, as determined by the board.

B. Coverage under this general permit does not relieve any owner of the responsibility to comply with any other appropriate federal, state or local statute, ordinance or regulation.

9 VAC 25-120-70

Registration Statement

The owner shall file a complete general permit registration statement. The required registration statement shall contain the following

information:

GENERAL VPDES PERMIT REGISTRATION STATEMENT
FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

1. Legal Name of Facility _____
2. Location of Facility (Address and Telephone Number)

3. Facility Owner _____
Last Name First Name M.I.
4. Address of Owner _____
Street

City State Zip
5. Phone _____
Home Work
6. Nature of the business conducted at the facility _____

7. Type of petroleum product(s) causing or that caused the
contamination. _____
8. Which activities will result in a point source discharge from the
petroleum contaminated site? (Check all that apply)

Excavation Dewatering

Bailing Ground Water Monitoring Wells

Pump Tests to Characterize Site Conditions

Hydrostatic Tests of Petroleum Storage Tanks or
Pipelines

Pumping Contaminated Ground Water to Remove Petroleum
Products From The Ground

Other (specify)
9. Has a site characterization report for this site been submitted
to the Department of Environmental Quality? Yes__ No__
10. Identify the discharge point and the waterbody into which the
discharge will occur. _____

11. How often will the discharge occur (e.g. daily, monthly,
continuously)? _____
12. Estimate how long each discharge will last _____ hours/days
13. Estimate total volume of wastewater to be discharged _____ Gal.

14. Estimate maximum flow rate of the discharge _____ Gal/day.
15. Attach a diagram of the proposed wastewater treatment system identifying the individual treatment units.
16. Attach a topographic or other map which indicates the receiving waterbody name, the discharge point(s), the property boundaries, as well as springs, other surface waterbodies, drinking water wells, and public water supplies, which are identified in the public record or are otherwise known to the applicant, within a 1/2 mile radius of the proposed discharge(s).
17. Are central wastewater treatment facilities available to this site? Yes___ No___ If yes, has the option of discharging to the central facilities been evaluated? What was the result of that evaluation?
-
18. Does this facility currently have a permit issued by the Board? Yes___ No___
If yes, please provide permit number:_____
19. Pollution Complaint Number (if applicable)_____
20. Is the material being treated or discharged classified as a hazardous waste under the Virginia Hazardous Waste Regulation, 9 VAC 20-60-10 et seq.? Yes___ No___

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. I do also hereby grant duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the general permit.

Signature: _____ Date: _____

Print Name: _____

Title: _____

For Department use only:

Registration Statement Accepted/Not Accepted by: _____

Basin_____ Stream Class_____ Date:_____
Special Standards_____ Section_____

9 VAC 25-120-80

General Permit

Any owner whose request for coverage under this general permit is accepted by the board shall comply with the requirements of the general permit and be subject to all requirements of Section 9 VAC 25-31-170 B of the VPDES Permit Regulation. Not all pages of Part I A of the general permit will apply to every permittee. The determination of which pages apply will be based on the type of contamination at the individual site and the nature of the waters receiving the discharge. Part I B and all pages of Part II apply to all permittees.

General Permit No.: VAG83

Effective Date:

Expiration Date:

GENERAL VPDES PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

**AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
ELIMINATION SYSTEM PERMIT PROGRAM AND THE VIRGINIA STATE WATER
CONTROL LAW**

In compliance with the provisions of the Clean Water Act, as amended, the State Water Control Law and regulations adopted pursuant thereto, the owner is authorized to discharge to surface waters at the locations identified in the accepted Registration Statement within the boundaries of the Commonwealth of Virginia, except to designated public water supplies or waters specifically named in other Board Regulations or Policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable to all VPDES Permits, as set forth herein.

If there is any conflict between the requirements of a Department of Environmental Quality approved cleanup plan and this Permit, the requirements of this Permit shall govern.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. GASOLINE CONTAMINATION - FRESHWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to freshwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	1/Month	Estimate
Benzene (ug/l)	NA	50	1/Month	Grab*
Toluene (ug/l)	NA	175	1/Month	Grab*
Ethylbenzene (ug/l)	NA	320	1/Month	Grab*
Total Xylenes (ug/l)	NA	82	1/Month	Grab*
MTBE (methyl tert-butyl ether) (ug/l)	NA	NL	1/Month	Grab*
pH (standard units)	6.0	9.0	1/Month	Grab
Total Recoverable Lead (ug/l)	NA	e(1.273(ln hardness**))-4.705	1/Month	Grab***
Hardness (mg/l as CaCO ₃)	NL	NA	1/Month	Grab***

NL = No Limitation, monitoring required
NA = Not Applicable

* Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to EPA Method 602 (40 CFR 136, 1996) or SW 846 Method 8021 (1995).

** Hardness of the effluent.

*** Monitoring for this parameter is required only when contamination results from leaded fuel. Lead analysis shall be according to EPA Method 239.2 (40 CFR 136, 1996) or SW 846 Method 7421 (1986).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE - FRESHWATER RECEIVING WATERS
During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to freshwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.
Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Instantaneous Minimum</u>	<u>Instantaneous Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NL	1/Month	Estimate
Naphthalene (ug/l)	NA	62	1/Month	Grab*
Total Petroleum Hydrocarbons (mg/l)	NA	15	1/Month	Grab**
pH (standard units)	6.0	9.0	1/Month	Grab
Semi-volatile Organics***	NA	NL	1/Year****	Grab
Volatile Organics***	NA	NL	1/Year****	Grab
Dissolved Metals***	NA	NL	1/Year****	Grab

NL = No Limitation, monitoring required
NA = Not Applicable

* Naphthalene analysis shall be according to either EPA Method 610 (40 CFR 136, 1996) or EPA SW 846 Method 8270 (1995).
** TPH shall be analyzed using either the Wisconsin Department of Natural Resources modified Diesel Range Organics test method as specified in Wisconsin publication SW-141 (1995) or EPA Method 1664 (1996).
*** Monitoring for these parameters is required only when contamination is from used oils. The permittee shall report concentrations of all compounds or elements detected by the following analytical methods: Semi-volatile organics according to EPA Method 1625 (40 CFR 136, 1996) or SW 846 Method 8270 (1995); Volatile organics according to EPA Method 1624 (40 CFR 136, 1996) or SW 846 Method 8260 (1995); Dissolved metals according to EPA Method 200.7 (40 CFR 136, 1996) or SW 846 Method 6010 (1995) or other equivalent EPA 40 CFR Part 136 (1997) methods with comparable detection limits and target analyte specificity.
**** The first annual sample shall be collected within 72 hours of commencement of the discharge.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. GASOLINE CONTAMINATION - SALTWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to saltwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Instantaneous Minimum</u>	<u>Instantaneous Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NL	1/Month	Estimate
Benzene (ug/l)	NA	50	1/Month	Grab*
Toluene (ug/l)	NA	500	1/Month	Grab*
Ethylbenzene (ug/l)	NA	4.3	1/Month	Grab*
Total Xylenes (ug/l)	NA	74	1/Month	Grab*
MTBE (methyl tert-butyl ether) (ug/l)	NA	NL	1/Month	Grab*
pH (standard units)	6.0	9.0	1/Month	Grab
Total Recoverable Lead (ug/l)	NA	8.5	1/Month	Grab**

NL = No Limitation, monitoring required
NA = Not Applicable

* Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to EPA Method 602 (40 CFR 136, 1996) or SW 846 Method 8021 (1995).

** Monitoring for this parameter is required only when contamination results from leaded fuel. Lead analysis shall be according to EPA Method 239.2 (40 CFR 136, 1996) or SW 846 Method 7421 (1986).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE - SALTWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to saltwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	1/Month	Estimate
Naphthalene (ug/l)	NA	23.5	1/Month	Grab*
Total Petroleum Hydrocarbons (mg/l)	NA	15	1/Month	Grab**
pH (standard units)	6.0	9.0	1/Month	Grab
Semi-volatile Organics***	NA	NL	1/Year****	Grab
Volatile Organics***	NA	NL	1/Year****	Grab
Dissolved Metals***	NA	NL	1/Year****	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

* Naphthalene analysis shall be according to either EPA Method 610 (40 CFR 136, 1996) or EPA SW 846 Method 8270 (1995).

** TPH shall be analyzed using either the Wisconsin Department of Natural Resources modified Diesel Range Organics test method as specified in Wisconsin publication SW-141 (1995) or EPA Method 1664 (1996).

*** Monitoring for these parameters is required only when contamination is from used oils. The permittee shall report concentrations of all compounds or elements detected by the following analytical methods: Semi-volatile organics according to EPA Method 1625 (40 CFR 136, 1996) or SW 846 Method 8270 (1995); Volatile organics according to EPA Method 1624 (40 CFR 136, 1996) or SW 846 Method 8260 (1995); Dissolved metals according to EPA Method 200.7 (40 CFR 136, 1996) or SW 846 Method 6010 (1995) or other equivalent EPA 40 CFR Part 136 (1997) methods with comparable detection limits and target analyte specificity.

**** The first annual sample shall be collected within 72 hours of commencement of the discharge.

Part I

B. SPECIAL CONDITIONS

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. The permittee shall sample each permitted outfall each calendar month in which a discharge occurs. When no discharge occurs from an outfall during a calendar month, the discharge monitoring report for that outfall shall be submitted indicating "No Discharge".

3. O & M Manual

If the permitted discharge is through a treatment works, within 30 days of coverage under this general permit, the permittee shall develop and maintain on site, an Operations and Maintenance (O & M) Manual for the treatment works permitted herein. This manual shall detail practices and procedures which will be followed to ensure compliance with the requirements of this permit. The permittee shall operate the treatment works in accordance with the O & M Manual. The manual shall be made available to the Department upon request.

4. Operation Schedule

The permittee shall construct, install and begin operating the treatment works described in the Registration Statement prior to discharging to surface waters. The permittee shall notify the Department's Regional Office within 5 days after the completion of installation and commencement of operation.

5. Materials Storage

Except as expressly authorized by this permit or another permit issued by the Board, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to State waters.

6. If the permittee discharges to surface waters through a municipal separate storm sewer system, the permittee shall, within 30 days of coverage under this general permit, notify the owner of the municipal separate storm sewer system of the existence of the discharge and provide the following information: the name and location of the facility, a contact person and telephone number; the nature of the discharge; and the number of outfalls.

7. Termination of Coverage

Provided that the Department agrees that the discharge covered under this general permit is no longer needed, the permittee may request termination of coverage under the general permit, for the entire facility or for specific outfalls, by submitting a request for termination of coverage. This request for termination of coverage shall be sent to the Department's Regional Office with appropriate documentation or references to documentation already in the Department's possession. Upon the permittee's receipt of the Regional

Director's approval, coverage under this general permit will be terminated. Termination of coverage under this general permit does not relieve the permittee of responsibilities under other Board regulations or directives.

PART II

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) and time(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by

the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Registration Statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or

prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of

treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part II I; and

d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the

facility or property;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

ISSUANCE OF A GENERAL VPDES PERMIT
FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

The Virginia State Water Control Board has under consideration the issuance of a general permit for discharges from petroleum contaminated sites. This general permit will replace the Corrective Action Plan general permit, VAG000002, which expires February 24, 1998. Owners covered under the expiring general permit, who wish to continue to discharge under a general permit, must register for coverage under the new general permit.

Permit Number: VAG83

Name of Permittee: Any owner in the Commonwealth of Virginia agreeing to be regulated under the terms of this general permit.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except designated public water supplies or waters specifically named in Board Regulations or Policies which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to issue the general permit subject to certain conditions and has prepared a draft permit. The Board has determined that this category of discharges is appropriately controlled under a general permit. The category of discharges to be included involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standard effluent limitations, conditions and monitoring requirements.

Persons may comment in writing on the proposed issuance of the general permit within 60 days from **September 15, 1997**. Comments should be addressed to the contact person listed below. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the Board.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Richard Ayers at:

Virginia Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240
(804) 698-4075

A public hearing will be held on this draft permit. Notice of the public hearing will be published in newspapers and in the Virginia Register. Following the public hearing comment period, the Board will make its determinations regarding the proposed issuance.

Activities Covered By This General Permit

Petroleum contamination can occur as a result of leaks from above ground or underground storage tanks, pipeline leaks, surface oil spills and poor housekeeping at facilities that handle petroleum products. When the structural integrity of storage tanks or pipelines is tested with water pressure, the water may become contaminated with petroleum products. For the purposes of this general permit, "petroleum products" means petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. Petroleum products does not include hazardous waste as defined by the Virginia Hazardous Waste Regulations, 9 VAC 20-60-10 et seq.

This general permit will cover point source discharges of pollutants to surface waters resulting from petroleum contaminated sites. The following specific activities are covered: excavation dewatering, bailing ground water monitoring wells, ground water pump tests to characterize site conditions, hydrostatic testing of petroleum storage tanks or pipelines, ground water pumping associated with petroleum product recovery, or discharges resulting from another petroleum product cleanup approved by the Department.

The effluent limits in the proposed general permit are established according to the type of petroleum product causing the contamination and the nature of the waterbody receiving the discharge. Due to U.S. EPA concerns for impacts on threatened and endangered species, the permit will not consider less stringent effluent limits for discharges that occur within a period of 72 consecutive hours and occurring at least 3 years apart.

Proposed Effluent Limitations and Monitoring Requirements

Freshwater Receiving Waterbody;

Discharges contaminated with gasoline:

<u>Parameter</u>	<u>Limitation</u>
Flow	No limit, monitoring required
Benzene	50 ug/l instantaneous max.
Toluene	175 ug/l instantaneous max.
Ethylbenzene	320 ug/l instantaneous max.
Total Xylenes	82 ug/l instantaneous max.
Total Recoverable Lead*	$e^{(1.273(\ln \text{hardness}^{**}))} - 4.705$ ug/l inst. max.
Hardness*	No limit, monitoring required
pH	6.0 inst. min.- 9.0 inst. max.
MTBE	No limit, monitoring required

Discharges contaminated with petroleum products other than gasoline:

<u>Parameter</u>	<u>Limitation</u>
Flow	No limit, monitoring required
Naphthalene	62 ug/l instantaneous max.
Total Petroleum Hydrocarbons	15 mg/l instantaneous max.
pH	6.0 inst. min.- 9.0 inst. max.
Semi-volatile Organics***	No limit, monitoring required
Volatile Organics***	No limit, monitoring required
Dissolved Metals***	No limit, monitoring required

Saltwater Receiving Waterbody;

Discharges contaminated with gasoline:

<u>Parameter</u>	<u>Limitation</u>
Flow	No limit, monitoring required
Benzene	50 ug/l instantaneous max.
Toluene	500 ug/l instantaneous max.
Ethylbenzene	4.3 ug/l instantaneous max.
Total Xylenes	74 ug/l instantaneous max.
Total Recoverable Lead*	8.5 ug/l instantaneous max.
pH	6.0 inst. min.- 9.0 inst. max.
MTBE	No limit, monitoring required

Discharges contaminated with petroleum products other than gasoline:

<u>Parameter</u>	<u>Limitation</u>
Flow	No limit, monitoring required
Naphthalene	23.5 ug/l instantaneous max.
Total Petroleum Hydrocarbons	15 mg/l instantaneous max.
pH	6.0 inst. min.- 9.0 inst. max.
Semi-volatile Organics***	No limit, monitoring required
Volatile Organics***	No limit, monitoring required
Dissolved Metals***	No limit, monitoring required

* Monitoring for this parameter is required only when contamination results from leaded fuel.

** Hardness of the effluent.

*** Monitoring for these parameters is required only when contamination results from used oils.

All monitoring is required to be conducted by grab samples collected monthly, except semi-volatile organics, volatile organics and heavy metals which are monitored annually.

Other Permit Conditions

The general permit prohibits discharge of floating solids or visible foam in other than trace amounts.

A condition is proposed in order to clarify the requirement for reporting of effluent monitoring results. Discharge monitoring is required each month in which a discharge occurs. For months when no discharge occurs, the permittee must submit a DMR certifying that there was no discharge. This system will allow DEQ to verify that either the effluent met the permit limits or that there was no discharge during the month.

Permittees that discharge treated wastewater are required to develop an Operations and Maintenance manual for the permitted treatment works. This requirement is imposed to assure proper operation and maintenance of facilities discharging under the general permit.

In order to assure that the proposed cleanup is conducted according to the methods in the approved Registration Statement, the permittee must construct treatment works prior to discharging and the permittee must notify the Department within 5 days of commencement of operation.

The general permit contains a condition designed to prevent pollution from materials stored on the site, which are not otherwise controlled by the effluent limitations.

If the proposed discharge is to surface waters via a municipal storm sewer system, the general permit requires the permittee to notify the owner of the storm sewer system. This is required in order to facilitate the municipality's efforts to control dry weather flows from the storm sewer.

A request for termination of coverage under the permit is required to provide documentation for the permittee and the Department that the activities covered under the general permit have been concluded and coverage is no longer needed.

The general permit anticipates that the covered treatment works will not be treating sewage from other users or indirect dischargers. Therefore, the permit contains no conditions applicable to such users.

Revisions to Expiring CAP General Permit

Since this proposed general permit is designed to cover activities in addition to the cleanup of leaking underground storage tanks, an approved Corrective Action Plan will no longer be a prerequisite for general permit coverage.

VAG000002, which this general permit will replace, contained Corrective Action Plan requirements for non-discharging activities associated with cleanups at leaking underground storage tanks. These conditions have been deleted in order to focus this VPDES general permit on the discharging aspects of petroleum cleanups. The non-discharging activities will be controlled by other mechanisms authorized by the Board's regulations on underground and above ground storage tanks.

Parts III and IV of the expiring permit have been replaced with a new Part II (Conditions Applicable to All VPDES Permits) which reflects the 1996 adoption of a new VPDES Permit Regulation (9 VAC 25-31-10 et seq.).

Effluent limits for total xylenes have been revised. The basis for the new limits is discussed below.

Analytical methods specified in the permit for certain organic analyses have been changed to reflect the latest techniques available for detecting the pollutants of concern.

Basis for Effluent Limitations: This general permit contains both technology-based and water quality-based effluent limits. Where both types of limits were available, the most stringent of the two was chosen. The U.S. EPA has developed a model NPDES permit for discharges from gasoline contaminated underground storage tank sites. The model permit provides technology-based effluent limitations for surface water discharges. The technology basis for those limitations is free product removal followed by air stripping. The limits are set for benzene and the sum of benzene, toluene, ethylbenzene, and xylenes (BTEX). These parameters are used as indicators of the compounds most likely to be found in gasoline. Benzene is considered a good indicator of the removal of volatile organic gasoline constituents via air stripping because of its relatively high water solubility and low volatility compared to other gasoline components.

The EPA model permit states that air strippers have the potential to operate at 99.5% efficiency and it uses this as the basis for limitations on benzene and BTEX. However, it also states that one cannot assume optimal operational conditions at all times and that permit limitations must be achievable with existing technology at reasonable cost. The model permit then establishes optional limitations based on 95% removal efficiency. This realistic efficiency rating accounts for operational difficulties which may be encountered during periods of low temperature and/or high humidity when air strippers may not be expected to perform at the 99.5% peak efficiency level. The EPA Treatability Database (RREL Version 5.0) contains information on treatment of the BTEX compounds at various concentrations by air stripping and granular activated carbon. The average removal efficiencies in contaminated ground water are as follows: benzene 97%, toluene 97.4%, ethylbenzene 87% and xylene 88%. The 95% removal efficiency also provides the possibility for considerable cost savings for the owners involved in cleaning up underground storage tank (UST) sites, many of whom are small businesses without the resources to install state-of-the-art equipment. The number of sites cleaned up under the Virginia Petroleum Storage Tank Fund would also increase if the cost per site were less.

The technology-based benzene limit of 50 ug/l in the EPA model permit is derived by assuming a concentration of 1 mg/l benzene in the influent to the treatment system and 95% removal. Thus, the technology-based limitations of 50 ug/l in this general permit are based on the 95% removal efficiency assumption allowed in the EPA model permit.

The water quality-based effluent limitations in this general permit are established pursuant to the VPDES Permit Regulation, 9 VAC 25-31-220 D, and the policy stated in the Virginia Water Quality Standards, 9 VAC 25-260-140 B. The limits are set at what are believed to be safe concentrations for the protection of beneficial uses including the growth and propagation of aquatic organisms inhabiting surface waters which receive the discharge. They assume zero dilution of the effluent by the receiving waters so that they can be applied without regard to effluent or receiving water flows. They are based on information provided in EPA criteria documents for priority pollutants, EPA toxicity databases and conservative application factors.

The EPA criteria document for benzene (EPA 440/5-80-018) states that acute toxicity to freshwater organisms occurs at concentrations as low as 5,300 ug/l. This is an LC50 value for rainbow trout. The document also states that acute toxicity would occur at lower concentrations among more sensitive species. No data were available concerning the chronic toxicity of benzene to sensitive freshwater organisms. The derivation of a "safe level" for benzene was based on the 5,300 ug/l LC50. This value was divided by 10 in order to approximate a level which would not be expected to cause acute toxicity. (The use of an application factor of 10 was recommended by the National Academy of Sciences in the EPA's publication "Water Quality Criteria, 1972" (EPA/R3/73-033). This use of application factors when setting water quality criteria is still valid in situations where data are not sufficient to develop criteria according to more recent guidance.) The resulting "non-lethal" concentration of 530 ug/l was divided by an assumed acute to chronic ratio of 10 to arrive at the water quality-based permit limitation of 53 ug/l. (When actual data are not available, EPA, in the Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001) recommends using an acute to chronic ratio of 10.) Because the EPA model permit's technology-based 50 ug/l value is more

restrictive, it was chosen over the 53 ug/l water quality-based number.

The limited data for benzene and saltwater organisms in the EPA criteria document indicates that stress and survival effects occur at concentrations as low as 700 ug/l when fish are exposed for long periods. Based on the application of a 0.10 safety factor to this chronic effect concentration, the water quality-based limit for discharges to saltwater streams would be 70 ug/l. Once again, the 50 ug/l technology-based limitation is selected because it is attainable and is more restrictive.

The Virginia human health water quality standard for benzene in surface waters used for drinking water sources is 12 ug/l. The human health standard for benzene in all surface waters other than drinking water supplies is 710 ug/l. The proposed effluent limit of 50 ug/l would be protective of human health concerns since the General Permit is not applicable when the discharge is into a public drinking water supply.

The aggregate parameter BTEX is used in the EPA model NPDES permit previously discussed to limit 4 parameters. It sets an effluent limitation for BTEX at 750 ug/l based on an assumed influent BTEX concentration of 15 mg/l and the 95% air stripper removal efficiency. The model permit document states that the composition of gasoline is highly variable and any one of the four BTEX components may be the primary constituent. The discussion of water quality-based limits which follows identifies cases where the 750 ug/l technology-based limitation on BTEX would not protect aquatic life from adverse effects.

In some circumstances, if a specific BTEX component were to dominate the mixture the resulting effluent could be toxic at, or below, 750 ug/l. For instance, Thomas and Delfino (1991) found that toluene comprises about 50% of the total BTEX in gasoline when analyzed by EPA Methods 610 and 602. If the BTEX limit were set at 750 ug/l then this could allow up to 375 ug/l of toluene in an effluent. The discussion on water quality-based limits which follows sets a limit of 175 ug/l for toluene in discharges to freshwater. The same researchers found that xylenes made up about 30% of the total BTEX in gasoline. When applied to the 750 ug/l BTEX limit in the EPA model permit this results in a possible xylene discharge level of 225 ug/l. Based on available information, total xylenes should not exceed 82 ug/l in freshwater. Without limits on individual parameters, ethylbenzene in discharges to saltwater could still be chronically toxic at the 100 ug/l BTEX technology-based limit given in the model permit using 99.5% removal efficiency.

Based on this discussion, the general permit does not contain a technology-based BTEX limit. Instead, it establishes water quality-based limits on the individual components (ethylbenzene, toluene and total xylenes), which result in lower total BTEX levels in the discharge. When the proposed limits for individual components are summed, the BTEX value for the freshwater discharges is 627 ug/l and for discharges to saltwater the value is 628.3 ug/l.

The EPA criteria document for ethylbenzene (EPA 440/5-80-048) gives an acute effects concentration of 32,000 ug/l. This is an LC50 for bluegill sunfish. Acute toxicity may occur at lower concentrations if more sensitive species were tested. No definitive data are available on the chronic toxicity of ethylbenzene to freshwater organisms. In order to derive an acceptable level of ethylbenzene for the protection of freshwater organisms the acute value of 32,000 ug/l was divided by 100, using the same assumptions employed above for benzene. The resulting value of 320 ug/l is the proposed effluent limit.

According to the criteria document, acute toxicity from ethylbenzene to saltwater organisms occurs at concentrations as low as 430 ug/l and may occur at lower concentrations if more sensitive organisms are tested. Dividing this number by the 100 application factor yields the proposed effluent limit of 4.3 ug/l for discharges to saltwater receiving waters.

The Virginia human health water quality standards for ethylbenzene are 3,100 ug/l and 29,000 ug/l for drinking and non-drinking waters, respectively. The proposed effluent limits will be protective of human health concerns.

The EPA criteria document for toluene (EPA 440/5-80-075) states that acute toxicity to

freshwater organisms occurs at 17,500 ug/l and would occur at lower concentrations if more sensitive organisms were tested. No data are available on the chronic toxicity of toluene to freshwater species. Based on the available data for acute toxicity and dividing by the 100 application factor, the proposed effluent limit for discharges to freshwater streams is 175 ug/l.

The available data for chronic toxicity of toluene to saltwater organisms indicated that chronic effects occur at concentrations as low as 5,000 ug/l and would occur at lower concentrations if more sensitive organisms were tested. Dividing this chronic effects level by 10 resulted in the proposed saltwater discharge effluent limit of 500 ug/l.

The Virginia human health standards for toluene in drinking and non-drinking water streams are 6,800 ug/l and 200,000 ug/l, respectively. The proposed effluent limits should be protective of human health.

Xylene is not a 307(a) priority pollutant, therefore no criteria document exists for this compound. There are three isomers of xylene (ortho, meta and para) and the general permit limits are established so that the sum of all xylenes is to be considered in evaluating compliance. The proposed effluent limits are based on a search of the EPA's AQUIRE data base. They are different from the limits in the existing permit VAG000002, but they are still set at levels which should provide protection of the designated uses of the receiving waters. The current freshwater limit of 74 ug/l total xylenes is derived from an LC50 of 7,400 ug/l reported for grass shrimp. This organism was categorized incorrectly as a freshwater species when the permit was drafted in 1992. Because the grass shrimp is considered to be a saltwater organism, the use of that test was improper. According to AQUIRE, the lowest freshwater LC50 is 8,200 ug/l reported for rainbow trout. Based on the rationale presented earlier for other compounds, this acutely toxic concentration was divided by 10 to account for species that were not tested but which may be more sensitive than rainbow trout. Then, in order to find a concentration that would be safe over chronic exposures, an additional safety factor of 10 was applied to arrive at the proposed effluent limitation of 82 ug/l total xylenes. This change in the permit limit is correcting a technical error that occurred when the permit was originally drafted. Therefore, even though it results in a less stringent limit, it is allowed as an exception to the anti-backsliding provision of the VPDES Permit Regulation (9 VAC 25-31-220 L 2 b (2)).

Since the general permit was first issued in 1993, EPA has revised the AQUIRE database to add new information and delete data that did not meet their quality assurance requirements. When the saltwater limit for total xylenes was originally developed, the lowest LC50 for salt water species in the database was 1,300 ug/l for bay shrimp. A recent review of AQUIRE showed that this test has been deleted. The LC50 of 7,400 ug/l for grass shrimp is now the lowest saltwater value in the database. Once again, the LC50 was divided by 100 to derive the effluent limit of 74 ug/l total xylenes. Although this new limit is less stringent than the previous limit, it is allowed under the exceptions to anti-backsliding provisions of the VPDES Permit Regulation because it is based on new information that was not available at the time the original permit was issued (9 VAC 25-31-220 L 2 b (1)).

There is no Virginia human health water quality standard for xylenes. The Maximum Contaminant Level and Maximum Contaminant Level Goal for xylenes in the EPA Safe Drinking Water Regulation, 40 CFR Part 141, are both set at 10 mg/l. The proposed permit limits are more stringent.

The EPA model permit does not recommend an effluent limit for lead. It recognizes that lead may be present in gasoline at UST sites in the form of tetraethyl lead, but it assumes that this organic lead compound will be removed by air stripping along with the volatile organics. The EPA model permit does provide for permits to consider lead in effluents if lead is expected to be present in gasoline contaminated ground water. Because Virginia has adopted water quality standards for lead, the general permit has water quality-based limits for total recoverable lead that apply when the contamination results from leaded gasoline.

The proposed effluent limits for lead are equal to the Virginia water quality standards for chronic protection of fresh and salt water organisms that were in effect when the

general permit was originally adopted in 1993; $e(1.273(\ln \text{ hardness})) - 4.705$ and 8.5 ug/l , respectively. The hardness equation uses the value of the effluent hardness in deriving the lead limit because no instream dilution is allowed in meeting the instream water quality standard. Assuming hardness levels of 50, 100 and 200, the resulting freshwater lead limits would be 1.3 ug/l , 3.2 ug/l and 7.7 ug/l , respectively. On September 25, 1997 the Board adopted new, less stringent water quality criteria for lead. However, backsliding is not allowed for these limits since they were based on a regulation and change in a regulation is not a valid reason to make limits less stringent. Therefore, the effluent limits in this general permit cannot be revised to reflect the new criteria.

There is no Virginia human health water quality standard for lead in non-drinking water supply streams. The proposed effluent limits are below the Virginia standard of 15 ug/l for drinking water supplies.

The EPA model permit for UST remediation sites only addresses gasoline contaminated sites. This general permit is also designed to be used at sites which are contaminated by petroleum products other than gasoline (non-gasoline motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils). In addition to containing the volatile organic compounds such as benzene, these compounds contain more of the polynuclear aromatic hydrocarbons (PAHs). These PAHs are less soluble in water than the volatile compounds and they are less amenable to air stripping. It is possible that a treatment system that would remove the volatile compounds like benzene to acceptable levels would not effectively remove the PAHs. Because of this, benzene or BTEX are not good indicator parameters to use in evaluating the quality of effluents from sites contaminated with this category of petroleum.

The effluent limitation for naphthalene proposed in this general permit is a water quality-based limit. It is to be applied at sites where contamination is from diesel or other fuels that are not classified as gasoline. Naphthalene is a component of gasoline and nongasoline petroleum products, but its relative concentration is higher in products such as diesel and kerosene than in gasoline (Thomas & Delfino, 1991). It is less soluble in water than benzene (solubility 30 mg/l vs 1780 mg/l) and is less amenable to air stripping (Henry's Law Constant 4.83×10^{-4} vs 5.55×10^{-3} @ 25°C). These characteristics make the treatability of naphthalene more similar to that of the heavier PAH components than is the treatability of the BTEX compounds.

PAHs in general are relatively insoluble in water. For instance, the solubilities of the typical petroleum PAHs anthracene, phenanthrene and fluorene are 1.29 mg/l , 0.8 mg/l and 1.9 mg/l , respectively. These compounds are more likely to be found in free product or adsorbed onto soils at a petroleum contaminated site rather than dissolved in ground water. As a moderately soluble compound, naphthalene is more likely to dissolve in ground water and migrate from the source of contamination. Therefore, it occupies an intermediate position between the volatile BTEX compounds and the less soluble PAHs. By selecting naphthalene as the indicator parameter for this category of contaminated sites, the general permit relies on the assumption that if naphthalene has been removed to acceptable levels, then the BTEX components of the petroleum should have been removed and the heavier PAHs associated with the contamination should have either remained in the soils at the source or been reduced to an acceptable level with the treatment for naphthalene.

The limited data available in the EPA Treatability Database indicate that treatment with granular activated carbon (GAC) filtration is more effective in removing naphthalene and other PAHs than is air stripping. Although this general permit does not mandate a treatment technology, the low solubility of PAHs makes them amenable to treatment by GAC filtration of the contaminated ground water.

The EPA criteria document for naphthalene (EPA 440/5-80-059) gives a chronic effect concentration of 620 ug/l with fathead minnows, but it states that effects would occur at lower concentrations if more sensitive freshwater organisms were tested. Dividing this chronic effects level by 10 results in the proposed effluent limit of 62 ug/l for discharges into freshwater streams.

There were no data on the chronic effects of naphthalene on saltwater organisms. The lowest observed LC_{50} value in the EPA criteria document was given as $2,350 \text{ ug/l}$, in a

test with grass shrimp. This was converted to the proposed effluent limit of 23.5 ug/l for discharges to saltwater by dividing by 100.

There is no Virginia human health water quality standard for naphthalene.

The general permit proposes a technology-based limit of 15 mg/l for the parameter Total Petroleum Hydrocarbons (TPH). This limit is applicable for discharges where the contamination is from petroleum products other than gasoline. It is based on the ability of simple oil/water separator technology to recover free product from water. Wastewater that is discharged without a visible sheen is generally expected to meet this effluent limitation. Monitoring data generated during the term of general permit VAG000002 indicates that effluents are generally below this level. DEQ has utilized an effluent limitation of 15 mg/l oil & grease for many years in individual permits for potential sources of petroleum hydrocarbons. Recently, the agency has determined that the oil & grease analytical method is better suited for detection of animal and vegetable fats rather than petroleum. Therefore, the parameter TPH is being limited in the general permit rather than oil & grease.

The pH limits in this general permit are based on the Virginia Water Quality Standards.

Methyl-tert-butyl ether (MTBE) is a common additive in "reformulated" automotive gasolines. This oxygenate is supposed to reduce winter-time carbon monoxide levels in U.S. cities. It is also believed to be effective in reducing ozone and other toxics in the air year-round. If it is used, it can be present in gasoline at up to 15% of the volume of the fuel. MTBE is an extremely hydrophilic compound. Unlike most petroleum products, it readily dissolves in water. The presence of MTBE in gasoline can increase the solubility of the fuel mixture in groundwater. MTBE will be removed from contaminated ground water by air stripping treatment technologies. However, due to its hydrophilic property, it takes a higher air/water ratio than is required for BTEX removal.

EPA has not established water quality criteria for MTBE for protection of aquatic life or human health. There are only 3 test reports in the AQUIRE database related to the toxicity of MTBE to aquatic organisms.

There are no water quality standards for MTBE in Virginia, although other states have proposed or set health advisory levels for drinking water that range from 70 ug/l to 1 mg/l.

Due to the lack of data, there are no limits established in the general permit for effluent concentrations of MTBE. The general permit requires monitoring for MTBE in order to establish the extent of contamination from this compound in ground water in the vicinity of gasoline spills. The need for effluent limits can be evaluated in the future once some data are available.

The term "used oils" is used in the general permit to refer to those petroleum products that have served their useful purpose and have been collected for recycling or disposal. Tanks that store used oils are found at industrial sites and at automotive service stations. These tanks have the potential to leak into surrounding soils and contaminate ground water. The materials in used oil storage tanks can be a mixture of motor oils and other petroleum products, as well as solvents or other organic chemicals. Used oils may also contain dissolved metals derived from the machinery from which the oil was recovered. These mixtures pose potential environmental impacts that may not be adequately addressed by the pollutant parameters established to control discharges from the sites contaminated by products other than gasoline. Therefore, the general permit proposes to require that when the contamination is from used oils, addition monitoring shall be conducted to scan the wastewater for a wide range of organic compounds and metals. This information will be evaluated and a decision on the need for additional limits on discharges of this type will be made prior to the expiration date of the general permit. In no case will the general permit allow a discharge of wastewaters if the contamination is from used oils that are classified as hazardous materials according to the Virginia Hazardous Waste Regulation, 9 VAC 20-60-10 et seq.

Administrative

The general permit will have a fixed term of five (5) years effective upon Board approval. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date. Discharges will be covered under the general permit upon approval of the Registration Statement and delivery of a copy of the general permit to the applicant.

This general permit does not apply to any new or increased discharge that will result in significant effects to the receiving waters. That determination is made in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards, 9 VAC 25-260-10 et seq. Antibacksliding will also be considered prior to granting coverage under this general permit to operations currently discharging under another VPDES permit or under an existing Corrective Action Plan general permit.

If an applicant for a discharge appears to qualify for this general permit, the applicant will be required to submit a general permit Registration Statement. The Board will review the Registration Statements received and either send a copy of the general permit to those that qualify, or send a copy of the application for an individual permit to those that do not qualify.

REFERENCE

Thomas, D.H. and J.J. Delfino, 1991, A Gas Chromatographic/ Chemical Indicator Approach to Assessing Ground Water Contamination by Petroleum Products, Ground Water Monitoring Review, Fall 1991, pp.90-100



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

George Allen
Governor

Becky Norton Dunlop
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
<http://www.deq.state.va.us>

Thomas L. Hopkins
Director

(804) 698-4000
1-800-592-5482

General Permit No.: VAG83

Effective Date: February 24, 1998
Expiration Date: February 24, 2003

GENERAL VPDES PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, the State Water Control Law and regulations adopted pursuant thereto, the owner is authorized to discharge to surface waters at the locations identified in the accepted Registration Statement within the boundaries of the Commonwealth of Virginia, except to designated public water supplies or waters specifically named in other Board Regulations or Policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable to all VPDES Permits, as set forth herein.

If there is any conflict between the requirements of a Department of Environmental Quality approved cleanup plan and this Permit, the requirements of this Permit shall govern.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. GASOLINE CONTAMINATION - FRESHWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to freshwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Instantaneous Minimum</u>	<u>Instantaneous Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NL	1/Month	Estimate
Benzene (ug/l)	NA	50	1/Month	Grab*
Toluene (ug/l)	NA	175	1/Month	Grab*
Ethylbenzene (ug/l)	NA	320	1/Month	Grab*
Total Xylenes (ug/l)	NA	82	1/Month	Grab*
MTBE (methyl tert-butyl ether) (ug/l)	NA	NL	1/Month	Grab*
pH (standard units)	6.0	9.0	1/Month	Grab
Total Recoverable Lead (ug/l)	NA	e(1.273(ln hardness**))-4.705	1/Month	Grab***
Hardness (mg/l as CaCO ₃)	NL	NA	1/Month	Grab***

NL = No Limitation, monitoring required
NA = Not Applicable

* Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to EPA Method 602 (40 CFR 136, 1996) or SW 846 Method 8021 (1995).

** Hardness of the effluent.

*** Monitoring for this parameter is required only when contamination results from leaded fuel. Lead analysis shall be according to EPA Method 239.2 (40 CFR 136, 1996) or SW 846 Method 7421 (1986).

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE - FRESHWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to freshwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Instantaneous Minimum</u>	<u>Instantaneous Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NL	1/Month	Estimate
Naphthalene (ug/l)	NA	62	1/Month	Grab*
Total Petroleum Hydrocarbons (mg/l)	NA	15	1/Month	Grab**
pH (standard units)	6.0	9.0	1/Month	Grab
Semi-volatile Organics***	NA	NL	1/Year****	Grab
Volatile Organics***	NA	NL	1/Year****	Grab
Dissolved Metals***	NA	NL	1/Year****	Grab

NL = No Limitation, monitoring required
NA = Not Applicable

* Naphthalene analysis shall be according to either EPA Method 610 (40 CFR 136, 1996) or EPA SW 846 Method 8270 (1995).

** TPH shall be analyzed using either the Wisconsin Department of Natural Resources modified Diesel Range Organics test method as specified in Wisconsin publication SW-141 (1995) or EPA Method 1664 (1996).

*** Monitoring for these parameters is required only when contamination is from used oils. The permittee shall report concentrations of all compounds or elements detected by the following analytical methods: Semi-volatile organics according to EPA Method 1625 (40 CFR 136, 1996) or SW 846 Method 8270 (1995); Volatile organics according to EPA Method 1624 (40 CFR 136, 1996) or SW 846 Method 8260 (1995); Dissolved metals according to EPA Method 200.7 (40 CFR 136, 1996) or SW 846 Method 6010 (1995) or other equivalent EPA 40 CFR Part 136 (1997) methods with comparable detection limits and target analyte specificity.

**** The first annual sample shall be collected within 72 hours of commencement of the discharge.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. GASOLINE CONTAMINATION - SALTWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to saltwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Instantaneous Minimum</u>	<u>Instantaneous Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NL	1/Month	Estimate
Benzene (ug/l)	NA	50	1/Month	Grab*
Toluene (ug/l)	NA	500	1/Month	Grab*
Ethylbenzene (ug/l)	NA	4.3	1/Month	Grab*
Total Xylenes (ug/l)	NA	74	1/Month	Grab*
MTBE (methyl tert-butyl ether) (ug/l)	NA	NL	1/Month	Grab*
pH (standard units)	6.0	9.0	1/Month	Grab
Total Recoverable Lead (ug/l)	NA	8.5	1/Month	Grab**

NL = No Limitation, monitoring required
NA = Not Applicable

* Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to EPA Method 602 (40 CFR 136, 1996) or SW 846 Method 8021 (1995).

** Monitoring for this parameter is required only when contamination results from leaded fuel. Lead analysis shall be according to EPA Method 239.2 (40 CFR 136, 1996) or SW 846 Method 7421 (1986).

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE - SALTWATER RECEIVING WATERS

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to saltwater receiving waterbodies from outfall serial number _____. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	1/Month	Estimate
Naphthalene (ug/l)	NA	23.5	1/Month	Grab*
Total Petroleum Hydrocarbons (mg/l)	NA	15	1/Month	Grab**
pH (standard units)	6.0	9.0	1/Month	Grab
Semi-volatile Organics***	NA	NL	1/Year****	Grab
Volatile Organics***	NA	NL	1/Year****	Grab
Dissolved Metals***	NA	NL	1/Year****	Grab

NL = No Limitation, monitoring required
NA = Not Applicable

* Naphthalene analysis shall be according to either EPA Method 610 (40 CFR 136, 1996) or EPA SW 846 Method 8270 (1995).

** TPH shall be analyzed using either the Wisconsin Department of Natural Resources modified Diesel Range Organics test method as specified in Wisconsin publication SW-141 (1995) or EPA Method 1664 (1996).

*** Monitoring for these parameters is required only when contamination is from used oils. The permittee shall report concentrations of all compounds or elements detected by the following analytical methods: Semi-volatile organics according to EPA Method 1625 (40 CFR 136, 1996) or SW 846 Method 8270 (1995); Volatile organics according to EPA Method 1624 (40 CFR 136, 1996) or SW 846 Method 8260 (1995); Dissolved metals according to EPA Method 200.7 (40 CFR 136, 1996) or SW 846 Method 6010 (1995) or other equivalent EPA 40 CFR Part 136 methods with comparable detection limits and target analyte specificity.

**** The first annual sample shall be collected within 72 hours of commencement of the discharge.

B. SPECIAL CONDITIONS

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. The permittee shall sample each permitted outfall each calendar month in which a discharge occurs. When no discharge occurs from an outfall during a calendar month, the discharge monitoring report for that outfall shall be submitted indicating "No Discharge".
3. O & M Manual
If the permitted discharge is through a treatment works, within 30 days of coverage under this general permit, the permittee shall develop and maintain on site, an Operations and Maintenance (O & M) Manual for the treatment works permitted herein. This manual shall detail practices and procedures which will be followed to ensure compliance with the requirements of this permit. The permittee shall operate the treatment works in accordance with the O & M Manual. The manual shall be made available to the Department upon request.
4. Operation Schedule
The permittee shall construct, install and begin operating the treatment works described in the Registration Statement prior to discharging to surface waters. The permittee shall notify the Department's Regional Office within 5 days after the completion of installation and commencement of operation.
5. Materials Storage
Except as expressly authorized by this permit or another permit issued by the Board, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to State waters.
6. If the permittee discharges to surface waters through a municipal separate storm sewer system, the permittee shall, within 30 days of coverage under this general permit, notify the owner of the municipal separate storm sewer system of the existence of the discharge and provide the following information: the name and location of the facility, a contact person and telephone number; the nature of the discharge; and the number of outfalls.
7. Termination of Coverage
Provided that the Department agrees that the discharge covered under this general permit is no longer needed, the permittee may request termination of coverage under the general permit, for the entire facility or for specific outfalls, by submitting a request for termination of coverage. This request for termination of coverage shall be sent to the Department's Regional Office with appropriate documentation or references to documentation already in the Department's possession. Upon the permittee's receipt of the Regional Director's approval, coverage under this general permit will be terminated. Termination of coverage under this general permit does not relieve the permittee of responsibilities under other Board regulations or directives.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
 2. The cause of the discharge;
 3. The date on which the discharge occurred;
 4. The length of time that the discharge continued;
 5. The volume of the discharge;
 6. If the discharge is continuing, how long it is expected to continue;
 7. If the discharge is continuing, what the expected total volume of the discharge will be; and
 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.
- Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Registration Statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field,

superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part II I;
and

d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

GENERAL VPDES PERMIT REGISTRATION STATEMENT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

1. Legal Name of Facility_____
2. Location of Facility (Address and Telephone Number)

3. Facility Owner_____

Last NameFirst NameM.I.
4. Address of Owner_____

Street

CityStateZip
5. Phone_____

HomeWork
6. Nature of the business conducted at the facility_____
7. Type of petroleum product(s) causing or that caused the contamination._____
8. Which activities will result in a point source discharge from the petroleum contaminated site? (Check all that apply)

☐ Excavation Dewatering
☐ Bailing Ground Water Monitoring Wells
☐ Pump Tests to Characterize Site Conditions
☐ Hydrostatic Tests of Petroleum Storage Tanks or Pipelines
☐ Pumping Contaminated Ground Water to Remove Petroleum Products From The Ground
☐ Other (specify)_____
9. Has a site characterization report for this site been submitted to the Department of Environmental Quality? Yes___ No___
10. Identify the discharge point and the waterbody into which the discharge will occur._____

11. How often will the discharge occur (e.g. daily, monthly, continuously)? _____
12. Estimate how long each discharge will last_____hours/days
13. Estimate total volume of wastewater to be discharged_____Gal.
14. Estimate maximum flow rate of the discharge_____Gal/day.

43

GENERAL VPDES PERMIT REGISTRATION STATEMENT
FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES
Page 2.

15. Attach a diagram of the proposed wastewater treatment system identifying the individual treatment units.
16. Attach a topographic or other map which indicates the receiving waterbody name, the discharge point(s), the property boundaries, as well as springs, other surface waterbodies, drinking water wells, and public water supplies, which are identified in the public record or are otherwise known to the applicant, within a 1/2 mile radius of the proposed discharge(s).
17. Are central wastewater treatment facilities available to this site? Yes_____ No_____ If yes, has the option of discharging to the central facilities been evaluated? What was the result of that evaluation?

18. Does this facility currently have a permit issued by the Board? Yes_____ No_____ If yes, please provide permit number:_____
19. Pollution Complaint Number (if applicable)_____
20. Is the material being treated or discharged classified as a hazardous waste under the Virginia Hazardous Waste Regulation, 9 VAC 20-60-10 et seq.? Yes_____ No_____

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. I do also hereby grant duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the general permit.

Signature:_____ Date:_____

Print Name: _____

Title: _____

For Department use only:

Registration Statement Accepted/Not Accepted by:_____

Date:_____

Basin_____ Stream Class_____ Section_____

Special Standards_____

INSTRUCTIONS FOR COMPLETING THE GENERAL VPDES PERMIT REGISTRATION STATEMENT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES

General

A registration statement must be submitted to the Department of Environmental Quality in order for a discharge to be covered under the General VPDES Permit for Discharges from Petroleum Contaminated Sites. Discharges that are confined to a consecutive 72 hour period and which will not occur more often than once in three years may be authorized under the general permit without filing the registration statement. Owners who believe that their discharge will meet these short-term discharge criteria should contact their local DEQ regional office.

Questions 1 and 2: Facility Information

Give the name of the business or other entity that occupies the site where the discharge is proposed to occur. Provide either the street address or other information that will allow DEQ personnel to locate the site. Give a telephone number at the site so that DEQ can contact someone at the facility.

Questions 3, 4 and 5: Owner Information

Provide the full name, street address and telephone numbers of the owner to whom the permit will be issued. This person, firm, public organization or other entity is the party responsible for the control of the facility's operation.

Question 6: Nature of Business

Give a brief statement as to what usual business activities are conducted at the site of contamination.

Question 7: Type of petroleum products involved

The type of petroleum products that are involved in the contamination will determine the conditions under which the general permit is issued. It is important to list or describe all of the materials involved.

Question 8: Proposed activities

Select all of the categories that apply to this proposed discharge. If events at the facility will cause the discharge to change over time from one category to another, indicate all categories that are anticipated.

Question 9: Site Characterization

Please indicate if a site characterization report has been submitted to the DEQ. NOTE: An SCR is required from the person responsible for conducting the release investigation and performing corrective action. If you are not a Responsible Person (RP), you are NOT required to submit an SCR.

Question 10: Discharge Location

Provide a narrative description of the point of discharge (e.g. northwest corner of intersection of First St. and Second Ave.) Give the name of the stream, lake, river, etc. that the discharge will go into (e.g. Unnamed Tributary to Clear Creek). If the discharge is to enter a storm drain, give the name of the owner of the storm drain system (e.g. Fairfax Co. storm drain inlet).

Questions 11, 12, 13 and 14: Discharge Information

Provide estimates of the frequency at which the discharge will occur, the duration of the discharge and of the amount and flow rate of wastewater to be discharged.

Question 15: Treatment Works Design

Attach a line drawing that traces the flow of wastewater from one treatment unit to the next. This drawing may be a sketch that shows, conceptually, what system will be used to treat wastewater so that it will meet the effluent quality requirements of the general permit. Identify all treatment technologies that will be employed at the facility.

Question 16: Topographic Map

The topo map should be a copy of the USGS 7.5 minute quadrangle that encompasses the facility and the surrounding property for at least 1/2 mile in all directions. Maps other than the USGS quadrangle may be substituted if they provide at least the same level of detail. The required information should be clearly marked on the map. Information regarding public water supplies and private wells may be obtained from local health department officials.

Question 17: Central Wastewater Availability

The owner should investigate the possibility of discharging to central sewer prior to requesting coverage under this general permit. If central sewer is in the vicinity but access for this discharge is denied, make that statement in the space provided.

Questions 18 and 19: Permit/Pollution Complaint Numbers

If the facility has already been permitted to discharge and has a discharge permit number, or if the facility is responsible for the release and the DEQ has issued a Pollution Complaint Number for the site, fill in the appropriate blanks with the permit or pollution complaint number. In some instances the applicant should fill in both questions; in others only one question may apply.

Question 20: Hazardous Material Statement

Indicate yes or no in the blanks provided. The general permit cannot be used to cover the treatment or discharge of hazardous materials.

Certification Statement:

State statutes provide for severe penalties for submitting false information on this registration statement. State regulations require that the registration statement be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. {If the title of the individual signing is Plant Manager, submit a written verification that the facility employs more than 250 people or has gross annual sales or expenditures in excess of \$25 million (in 1980 dollars) and that authority to sign the registration statement has been delegated to the Plant Manager in accordance with corporate procedures.};

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

Transmittal Letter
Petroleum Discharge General Permit Registration Statement

Regional Letterhead

Facility Name
Address

ATTN: John Contact

RE: Registration for the General VPDES Permit for Discharges
from Petroleum Contaminated Sites

Dear Mr. Contact:

General VPDES permit VAG83 for Discharges from Petroleum Contaminated Sites was adopted by the State Water Control Board at its December 1997 meeting and is effective as of February 24, 1998. This general permit provides VPDES permit coverage to discharges from all qualified activities that submit a complete registration statement and are approved for coverage.

Individual VPDES permit holders or owners proposing to discharge petroleum contaminated wastewater must complete and submit the enclosed registration statement if they wish to be covered under this general permit. The registration must be submitted [within 180 days of the expiration date of an existing individual permit] [prior to commencing operation of a new process] [within X days]*. If your facility qualifies for the general permit, it is recommended that you obtain coverage in order to simplify requirements for having your wastewater discharges permitted.

**Note: For non-permitted existing facilities, inform them of the requirement to obtain a permit, the consequences of discharging without permit coverage and set a time for submittal.*

Instructions for completing the registration form are included in this package.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Regional Name
Title

**Transmittal Letter
Petroleum Discharge General Permit**

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ATTN: John Contact

RE: Coverage under the General VPDES Permit for Discharges from
Petroleum Contaminated Sites, VAG83_____

Dear Permittee:

We have reviewed your Registration Statement received on _____, and determined that this activity is hereby covered under the referenced general VPDES permit. The effective date of your coverage under this general permit is the date of this letter. The enclosed copy of the general permit contains the applicable effluent limitations, monitoring requirements and other conditions of coverage.

In accordance with the permit you are required to submit discharge monitoring reports (DMR) monthly to:

Regional Office Address

The reporting form[s] is [are] included with the permit. You will be responsible for obtaining additional copies of the reporting form. A separate DMR is to be completed for each permitted outfall. The sampling and reporting are on a monthly basis with the DMRs due on the tenth of the month following the monitoring.

The general permit will expire on February 24, 2003. The conditions of the permit require that you submit a new registration statement no later than 180 days prior to that date if you wish continued coverage under the general permit.

Please review the enclosed materials carefully. If you have any questions, please do not hesitate to contact us.

Sincerely,

DEQ Director's Name
Director, Department of Environmental Quality